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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,593	04/26/2006	Frank Bartels	11371-113	6655

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EXAMINER

ROZANSKI, MICHAEL T

ART UNIT	PAPER NUMBER
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3768

MAIL DATE	DELIVERY MODE
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03/31/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/577,593	Applicant(s) BARTELS ET AL.	
	Examiner MICHAEL T. ROZANSKI	Art Unit 3768	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

-It is unclear from the current claim language what a 'mounting axis' is and how it relates to the height adjusting device. In addition, it is unclear whether the mounting axis is the same axis as the axis of rotation, the vertical axis, and/or the axis through the height adjusting device. It appears antecedence issues may also occur in regard to the axis/axes.

-In claim 20, "the stretcher guide" and "the second stretcher guide" lack antecedent basis.

-In claim 22, the mounting axis of the second height adjusting device should be defined as a second mounting axis to distinguish from the first. (An additional "a" in the claim should also be deleted).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-16, 21-23, 26, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gore (GB 2,286,887) in view of Mohopatra.

Gore discloses an MRI scanning apparatus comprising a housing with an aperture into which a patient is introduced. A platform 3 is arranged to move as the crank arm (i.e. height adjusting device) is rotated between a low position and a high position (see figures 1, 2). It is further noted that any suitable drive and coupling mechanism may be used to rotate the crank arm between the two positions (see pg 5). It is noted that Gore describes an arrangement of a height adjusting device displaced laterally from the aperture, when the apparatus is viewed from the direction perpendicular to that shown in figure 1.

Gore discloses an MRI apparatus, but not a CT gantry as claimed. However, the structure of MR and CT gantries are similar in that they both comprise apertures for receiving patients on tables that are adjustable to move through the aperture, as well as in the vertical direction (i.e. height-adjusting). Mohopatra et al teach of a patient handling system for use on multiple imaging systems such as MRI and CT. A CT-type gantry 4 is depicted in Figure 1 (col 6, lines 3-11). It would have been obvious to the skilled artisan to replace the MR gantry in Gore et al with a CT gantry, as taught by Mohopatra et al, because similar (or identical) patient handling systems are interchangeable for multiple imaging systems, including MR and CT (col 6, lines 3-11).

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Claims 17-20, 24-25, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gore et al and Mohapatra et al as applied to claims 9 and 22 further in view of Seufert (US pub 2002/0112288).

Gore et al and Mohapatra et al substantially disclose the invention as claimed, but do not teach a second height adjusting device and associated elements. However, Seufert teaches of a CT apparatus with an arrangement wherein it is beneficial to have a second height adjusting device associated with the CT gantry for receiving the patient at the opposite end of the aperture while another patient is being prepared to enter the device (see figure 5). It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a second height adjuster designed in the same fashion as that disclosed by Gore et al/Mohapatra et al in order to utilize the CT device for one patient while another patient is being prepared to enter the device, as taught by Seufert.

Response to Arguments

Applicant's arguments filed 1/15/09 have been fully considered but they are not persuasive. The rejection in regard to the combination including Distler is withdrawn because a height adjusting device is not mounted on the gantry, as is now claimed.

In regard to the Gore combination, applicant argues that it is not shown that a mounting axis is displaced laterally from the aperture. The Examiner disagrees, as the Applicant has still not provided sufficient limitations to distinguish from Gore. Gore

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applies under at least two interpretations. First, the claimed “an axis of the examination aperture” is not defined relative to anything. Theoretically, there are an infinite number of axes that could be considered to be “of an examination aperture.” Thus, the mounting axis is laterally displaced from at least some of the infinite number of axes. In another interpretation with the mounting axis and aperture axis considered to be 'into the page' of Figure 1 of Gore, the mounting axis is lateral to the aperture axis when Figure 1 is viewed as being on its side (i.e. rotated 90 degrees). The claim may be interpreted this way because nothing that limits or defines how one must interpret 'laterally' in relation to the aperture is set forth in the claim.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL T. ROZANSKI whose telephone number is (571)272-1648. The examiner can normally be reached on Monday - Friday, 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le can be reached on 571-272-0823. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eric F Winakur/
Primary Examiner, Art Unit 3768

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